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8 **IN THE UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10

11 CHRISTINE CHANG, individually and as
Guardian ad Litem for ERIC SUN, disabled,

12 Plaintiffs,

13 vs.

14 ROCKRIDGE MANOR CONDOMINIUM;
ROCKRIDGE MANOR HOMEOWNERS ASSO;
ROCKRIDGE MANOR BOARD OF
DIRECTORS; ROCKRIDGE MANOR
PRESIDENT OF BOARD OF DIRECTORS
CHARLES BLAKENEY; ROCKRIDGE MANOR
MANAGER EVA AMMANN; TRUCK
INSURANCE EXCHANGE, et al.,

15 Defendants.

16 Case No.: C07-4005 EMC

17 **NOTICE OF MOTION AND MOTION OF
TO DISMISS PURSUANT TO FRCP 12(b)(6)
OR, IN THE ALTERNATIVE, MOTION FOR
MORE DEFINITE STATEMENT [FRCP
12(e)]**

18 **Date:**

Time:

Room: C

Judge: Magistrate Judge Edward M. Chen

21

22 To plaintiffs:

23 Please take notice that defendant Eva Ammann hereby moves and will move the court on the
24 date, time, and place set forth above to dismiss the complaint filed in this action pursuant to Federal
25 Rule of Civil Procedure 12(b)(6) on the following grounds:

26 1. Plaintiffs' federal civil rights claim fails as no cognoscible interest under Section 1983
27 has been identified, and the vague and conclusory allegations of moving party's participation in civil
28 rights violations are insufficient to state a cause of action;

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2. The tort claims asserted by plaintiffs are barred by the litigation privilege, California
2 Civil Code Section 47(b);
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4. The causes of action stated by plaintiffs are all barred by the applicable statute of
4 limitations;
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6. All causes of action are without merit as plaintiffs do not set forth facts sufficient to state
6 a cause of action under any legal theory.
7

8. Plaintiff Christine Chang has no standing to represent plaintiff Eric Sun in propria
8 persona.
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10 In the alternative, moving party moves this court for an order requiring a more definite statement
10 as defendant cannot be reasonably required to submit a responsive pleading to any of the causes of
11 action given the vague, ambiguous and incomprehensible language of the complaint, pursuant to FRCP
12(e).
13

14 This motion is based on this notice and motion, the Memorandum of Points and Authorities filed
14 herewith, the Request for Judicial Notice in Support of the Rockridge Motion for Summary Judgment,
15 the pleadings and papers filed herein, and on such matters that may be brought to the attention of the
16 court and the parties at or before the hearing on this motion.
17

18 DATED: February 18, 2008

VALERIAN, PATTERSON & STRATMAN

19 BY:
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EDWARD J. RODZEWICH, ESQ.
Attorney for Defendant,
EVA AMMANN